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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,638	09/21/2001	Michael A. Pikula	077017-9006-00	5209

23409 7590 07/31/2003

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EXAMINER

MISKA, VIT W

ART UNIT PAPER NUMBER

2841

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/960,638

Applicant(s)

PIKULA ET AL.

Examiner

Vit W. Miska

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 22-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 22 sets forth a method of "receiving a GPS time signal at a primary master device" and "wirelessly transmitting the GPS time signal" at a second device. The specification describes an embodiment where the GPS time signal transmitted from a satellite and received at the primary device is used to set internal clock 260 to a first internal time which is then incremented by the internal clock (page 7, lines 17-20 of the specification). This internal clock signal is transmitted to secondary device 310 (page 8, lines 7-17) for setting of its internal clock. Thus, the claimed subject matter where the

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GPS time signal is transmitted from the primary device to the secondary device and is stored therein not described in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 refers to "the time component" in line 13. This element has not been referred to earlier in the claim and it is not clear what this limitation refers to.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 12, 13 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Youngberg. The reference discloses a system and method of synchronizing an event system including receiving an event signal (time update) from a GPS (see col. 4, line 4) at primary device "master clock" (Fig. 4), processing the signal (control logic),

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wirelessly transmitting the signal by means of "rf transmission circuit", receiving the signal at second receiver 4 and executing an event with the processed event signal (correcting and displaying the correct time).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 6, 10, 11, 22, 23, 25, 29, 30, 33, 37, 38, 41, and 45 are rejected under 35US.C. 103(a) as being unpatentable over Read et al in view of Mankovitz.

With respect to claim 1, Read et al discloses a synchronous event system including primary event device including first receiver 76 for receiving a GPS time signal, first processor 18 for processing the GPS signal, internal clock 22 for storing the GPS time signal and incrementing the same to produce a first internal time signal 50a, transmitter 24 for transmitting the internal time to secondary event device 14 comprising second receiver 32, second processor 34, internal clock 62, 63, for storing the received first internal time and increment the same to produce a second internal time 30, event switch 40 for executing a programmed instruction at a predetermined time stored in register 37.

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Read et al further suggests at col. 4, lines 65ff that event controller 34 "receives commands from master control device 12 to cause an event to occur at a time which is stored in the event time register 37. This implies that a programmed instruction and a time element referred to in claim 1 (or the operational data in claims 22 and 30) are transmitted from first device 12 to secondary device 14 for enabling the event switch to execute the programmed instruction.

Read et al does not disclose the transmission from first device 12 to second device via communication channel 16 as being done in a wireless manner. However, one of ordinary skill in the art would be familiar with various methods of transmitting data between two communication devices employing time data. Mankovitz teaches a wireless method of synchronizing clocks in at least two devices, e.g. a primary device 2000 receiving wireless time data via receiver 2026 and transmitting time signals via wireless transmitter 28 to secondary device 2010 to correct the time data in clock 2098. One of ordinary skill in the art having both references would thus be taught that the system of Read et al may employ wireless data transmission between devices 12 and 14 as done in the system of Mankovitz as an alternative to wired transmission for environments where such wired communication is not feasible or for convenience of installation.

With respect to claims 2, 13, 23, 30 and 38 the display of time in Read et al is not referred to in the specification. However, one skilled in the art would recognize that

such display of the time is conventional in any timekeeping system and would be obvious in view of the Mankovitz, which discloses such a clock display at 2098 or 2076 being updated by the wireless signals.

With respect to claim 6, 16, 25, 33 and 41, the selection of a particular frequency for data communication would be an obvious matter of choice, because one skilled in the art would be familiar with numerous communication systems employing corresponding frequencies for data transmission.

With regard to claims 10, 29, 37 and 45, the provision of a programming input to the processor in Read et al would be obvious to one skilled in the art. It is conventional to provide programming inputs to any device where preset information is required in order that such information may be selectively changed.

5. Claims 4, 5, 24, 31, 32, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Read et al and Mankovitz, as applied to claims 1, 22, 30 and 38, in further view of McDonald et.al. Retention of data in the event of power failure is a well known technique in electronic devices as suggested in McDonald et al at 48, 50. One skilled in the art would be taught to provide such power interrupt circuitry in the primary or secondary devices of Read et al as a means for backing up the power source to preserve data.

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6. Claims 7, 26, 34 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Read et al and Mankovitz, as applied to claims 1, 22, 30 and 38, in further view of Preston et al. The protocol for transmission of digital data over a wireless Communication channel is well known, as shown in Preston et al in Fig. 5. One skilled in the art would be familiar with transmission of data in this manner.

7. Claims 8,9, 27,28, 35, 36, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Read et al and Mankovitz, et al, as applied to claims 1, 22, 30 and 38, in further view of O'Neill. The latter reference teaches the use of a time zone switch and daylight savings switch in a clock system for adjustment of these quantities in a clock (see col. 7, lines 38 and 46). The reference further discloses the use of a reception status display 98 (col. 8, line 37). It would be obvious for one skilled in the art to provide for time zone and daylight adjustment in Read et al by provision of switches as taught by O'Neill, to correct these variables when necessary. It would further be obvious to provide a reception status display in Read et al for indicating the strength of the incoming wireless signal as disclosed by O'Neill as a convenient feature for informing the user of the signal quality. With respect to the use of a channel switch, Official notice is taken of the use of a channel selection switches in communication devices employing wireless technology for selecting the desired frequency channel.

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8. Claim 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Youngberg in view of McDonald et al. A means for detecting power failure and preserving data would be obvious to one skilled in the art for the same reasons as set forth in connection with the rejection of claim 4, above.

9. Claims 16 and 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Youngberg. The choice of communication frequency and provision of a programmer input would be obvious to one skilled in the art for the reasons given for claims 6 and 10, above.

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Youngberg in view of Preston et al. The transmission protocol claimed would be obvious to one skilled in the art for the reasons set forth previously for claims 7, above.

11. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Youngberg in view of O'Neill. Time zone and daylight savings correction, reception information and channel selection would be obvious the same reasons as given for claim 8, above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 703-308-3096. The examiner can normally be reached on M-F 9-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 703-308-3121. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.



Vit Miska
Primary Examiner

VM
July 12, 2003